

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

EMPOWER OVERSIGHT
WHISTLEBLOWERS & RESEARCH,

Plaintiff,

v.

NATIONAL INSTITUTES OF HEALTH,

Defendant.

Case No. 1:21-cv-1275 (LMB/JFA)

**DEFENDANT’S MOTION TO ALTER THE SUMMARY JUDGMENT
BRIEFING SCHEDULE**

Pursuant to Federal Rule of Civil Procedure 6, Defendant National Institutes of Health (“NIH”), respectfully moves to alter the briefing schedule for summary judgment motions. Plaintiff takes no position on the requested relief. Good cause for this relief is as follows:

1. In this case brought pursuant to the Freedom of Information Act, 5 U.S.C. §§ 551–59 (2018) (“FOIA”), Plaintiff Empower Oversight Whistleblowers & Research seeks documents from the National Institutes of Health, based on three separate FOIA requests, one dated July 14, 2021 and the other two dated September 30, 2021. *See* Compl. (Dkt. 1) ¶¶ 20-22.

2. NIH completed its search for responsive records and produced the non-privileged, responsive records to Plaintiff on February 7, 2022.

3. The Court entered a briefing schedule for summary judgment, setting May 13, 2022 as the deadline for NIH to file its motion for summary judgment and brief in support. (Dkt. 26).

4. NIH requests additional time to file its motion for summary judgment, to and including June 10, 2022. NIH has located additional responsive records and intends to produce

those to Empower within the next seven days. NIH requires additional time to prepare the corresponding *Vaughn* index for material it has redacted pursuant to the statutory exemptions in 5 U.S.C. § 552(b).

5. Plaintiff takes no position on the requested relief.
6. A Proposed Order has been attached for the Court's convenience.

Dated: May 12, 2022

Respectfully submitted,

JESSICA D. ABER
UNITED STATES ATTORNEY

By: _____/s/_____
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